

## Small Business Administration

## § 130.110

- 130.700 Suspension, termination and non-renewal.  
130.800 Oversight of the SBDC program.  
130.810 SBA review authority.  
130.820 Reports and recordkeeping.  
130.830 Audits and investigations.

**AUTHORITY:** Sections 5(b)(6) and 21 of the Small Business Act, as amended, 15 U.S.C. 634(b)(6) and 648; Pub. L. 101-515, 101 Stat. 2101; Pub. L. 101-574, 104 Stat. 2814; Pub. L. 102-366, 106 Stat. 986; and Pub. L. 102-395, 106 Stat. 1828.

**SOURCE:** 60 FR 31056, June 13, 1995, unless otherwise noted.

### § 130.100 Introduction.

(a) *Objective.* The SBDC Program creates a broad-based system of assistance for the small business community by linking the resources of Federal, State and local governments with the resources of the educational community and the private sector. Although SBA is responsible for the general management and oversight of the SBDC Program, a partnership exists between SBA and the recipient organization for the delivery of assistance to the small business community.

(b) *Incorporation of amended references.* All references in these regulations to OMB Circulars, other SBA regulations, Standard Operating Procedures, and other sources of SBA policy guidance incorporate all ensuing changes or amendments to such sources.

### § 130.110 Definitions.

*Applicant organization.* An entity, described in § 130.200(a), which applies to establish and operate an SBDC network.

*Application.* The written submission by a new applicant organization or an existing recipient organization explaining its projected SBDC activities for the upcoming budget period and requesting SBA funding for use in its operations.

*Area of Service.* The State or territory, or portion of a State or territory (when there is more than one SBDC in a State or territory), or the District of Columbia, in which an applicant organization proposes to provide services or in which a recipient organization provides services.

*Budget period.* The 12-month period in which expenditure obligations are in-

curred by an SBDC network, coinciding with either the calendar year or the Federal fiscal year.

*Cash Match.* Non-Federal funds allocated specifically to the operation of the SBDC network equalling no less than fifty percent of the Federal funds. Cash Match includes direct costs committed by the applicant or recipient organization and sponsoring SBDC organizations, to the extent that such costs are committed as part of the verified, specific, line item direct costs prior to funding. Cash Match does not include indirect costs, overhead costs or in-kind contributions.

*Cognizant Agency.* The Federal agency, other than SBA, from which a recipient organization or sponsoring SBDC organization receives its largest grant or greatest amount of Federal funding, and from which it obtains an indirect cost rate for budgetary and funding purposes, applicable throughout the Federal government.

*Cooperative Agreement.* The written contract between SBA and a recipient organization, describing the conditions under which SBA awards Federal funds and recipient organizations provide services to the small business community.

*Cosponsorship.* A “Cosponsorship” as defined in and governed by § 8(b)(1)(A) of the Act and SBA’s Standard Operating Procedures.

*Counseling.* Individual advice, guidance or instruction given to a small business person or entity.

*Direct costs.* “Direct costs” as defined in Office of Management and Budget (OMB) Circulars A-21, A-87 and A-122. Recipient organizations must allocate at least 80 percent of the Federal funds provided through the Cooperative Agreement to the direct costs of program delivery.

*Dispute.* Dispute means a program or financial disagreement which the recipient organization requests be handled with SBA in a formal manner.

*Grants and Cooperative Agreement Appeals Committee.* The SBA committee, appointed by the SBA Administrator, which resolves appeals arising from financial Disputes between a recipient organization and SBA.

*Grants Management Specialist.* An SBA employee designated by the AA/SBDCs

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who is responsible for the financial review, award, and administration of one or more SBDC Cooperative Agreements.

*In-kind contributions.* Property, facilities, services or other non-monetary contributions from non-federal sources. See OMB Circular A-87, A-102, or A-110, as appropriate.

*Indirect costs.* “Indirect costs” as defined in Office of Management and Budget (OMB) Circular A-21, A-87 or A-122.

*Lead Center.* The entity which administers and operates the SBDC network.

*Lobbying.* Lobbying as described in OMB Circulars A-21, A-87 and A-122, and Pub. L. 101-121, section 319.

*Overmatched Amount.* Non-Federal Contributions to SBDC project costs, including cash, in-kind contributions and indirect costs, in excess of the statutorily required amount.

*Program Announcement.* SBA’s annual publication of requirements which an applicant or recipient organization must address in its initial or renewal application.

*Program income.* Income earned or received by the SBDC network from any SBDC supported activity as defined in Attachment D of OMB Circular A-110 and Attachment E of OMB Circular A-102.

*Program manager.* An SBA employee responsible for overseeing the operations of one or more SBDCs.

*Project officer.* An SBA employee who negotiates the annual Cooperative Agreement and monitors the ongoing operations of an SBDC.

*Project period.* The period of time, usually in twelve (12) month increments, during which the SBDC network operates, beginning on the day of award and continuing over a number of budget periods.

*Recipient organization.* The name given to an applicant organization after funding is approved and the applicant organization enters into a Cooperative Agreement. The recipient organization receives the Federal funds and is responsible for establishing the Lead Center.

*Recognized Organization.* The organization whose members include a majority of SBDCs and which is recognized as an SBDC representative by SBA in

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accordance with §21(a)(3)(A) of the Small Business Act, 15 U.S.C. 648(a)(3)(A).

*SBDC Director.* The full-time senior manager designated by each recipient organization and approved by SBA.

*SBDC network.* The Lead Center and SBDC service providers.

*SBDC service providers.* SBDC network participants, including the Lead Center, subcenters (at times referred to as regional centers), satellite locations, and any other entity authorized by the recipient organization to perform SBDC services.

*Specialized Services.* SBDC services other than Counseling and Training.

*Sponsoring SBDC organizations.* Organizations or entities which establish one or more SBDC service providers as part of the SBDC network under a contract or agreement with the recipient organization.

*Training.* The provision of advice, guidance and instruction to groups of prospective and existing small business persons and entities, whether by in-person group sessions or by such communication modes as teleconferences, videos, publications and electronic media.

### § 130.200 Eligible entities.

(a) *Recipient Organization.* The following entities are eligible to operate an SBDC network:

- (1) A public or private institution of higher education;
- (2) A land-grant college or university;
- (3) A college or school of business, engineering, commerce or agriculture;
- (4) A community or junior college;
- (5) An entity formed by two or more of the above entities; or
- (6) Any entity which was operating as a recipient organization as of December 31, 1990.

(b) *SBDC Service Providers.* SBDC service providers are not required to meet the eligibility requirements of a recipient organization.

### § 130.300 Small Business Development Centers (SBDCs). [Reserved]

### § 130.310 Area of service.

The AA/SBDC shall designate in writing the Area of Service of each recipient organization, consistent with the